

Ordinance - #0-18-19

Subject Matter: Amendment to Chapter 86, Rate Amendment

Date First Presented at Council Public Meeting: 06-20-19

Date of Public Hearing Before City Council: 06-20-19

Date of Second Reading and Adoption: 07-18-19

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

**ORDINANCE NUMBER #0-18-19
CITY OF FAYETTEVILLE, GEORGIA**

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, Mayor and City Council of the City of Fayetteville (the “City”) desire to amend the City’s existing water and sewer rate schedules to comply with the 2010 and 2013 Series Water and Sewer Revenue Bond required debt coverage;

WHEREAS, the Ordinance will aid the City in meeting the 2010 and 2013 Series Water and Sewer Revenue Bond required debt coverage by implementing an increased rate structure 2.4%;

WHEREAS, the 2010 and 2013 Series Water and Sewer Revenue Bonds debt ends in 2033.

WHEREAS, additional, Mayor and City Council of the City of Fayetteville (the “City”) desire to amend the City’s existing water and sewer rate schedule to comply with new bonds required for the Wastewater Treatment Plant

WHEREAS, the Ordinance will aid the City in meeting future Water and Sewer Revenue Bonds required debt coverage by implementing an additional increased rate structure 2.6%;

WHEREAS, the new bonds debt will start once construction is completed and is a 30-year back plan.

WHEREAS, all such rates shall automatically increase 5% per year on August 1, 2019 and will end July 31, 2023.

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND
ORDAINS THE FOLLOWING ORDINANCE:**

ARTICLE I

The Mayor and City Council do hereby ordain and enact these additions to the City's ordinances codified at Section 86-62 of the City of Fayetteville's Code by adding and including language contained hereinafter which is double-underlined (double-underlined) to the original text as follows:

DIVISION 2. RATES, CHARGES AND BILLING

Sec. 86-62. Basic rates.

There is hereby adopted the following sewer and water rate schedules for the city:

(1) *Sewer rates.*

a. For all residential customers, whose service is provided by the city, the sewer rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons ~~\$18.75~~ \$ 19.69 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$ 3.35~~ \$ 3.52 per 1,000 gallons used in excess of the initial 2,000 gallons.

b. Reserved.

c. For all commercial customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons ~~\$32.87~~ \$ 34.51 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$3.35~~ \$ 3.52 per 1,000 gallons used in excess of the initial 2,000 gallons.

(2) *Water rates.*

a. For all residential customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons, ~~\$16.69~~ \$17.52 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$3.34~~ \$3.51 per 1,000 gallons used in excess of the initial 2,000 gallons up to 10,000 gallons.
3. Monthly water usage in excess of 10,000 gallons shall be billed at 125 percent of the city's residential per gallon charge.
4. Monthly water usage in excess of 20,000 gallons shall be billed at 200 percent of the city's residential per gallon charge in order to encourage water conservation.

b. Reserved.

c. For all commercial customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons, ~~\$30.63~~ \$32.16 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional ~~\$ 3.34~~ \$3.51 per 1,000 gallons used in excess of the initial 2,000 gallons.

(3) *Minimum charge.* The minimum charge for water and/or sewer shall be based upon the number of existing residential or commercial units, which potentially may be served by each water meter. A minimum charge shall be charged for each apartment unit and each commercial, business or industrial unit being occupied by different occupants or being put to different uses, or for each unit separated from another unit by a firewall. The number of minimum charges billed per meter is subject to change as the configuration or use of a building or structure changes.

(Ord. No. 0-11-01, art. V, 4-19-01; Ord. No. 0-42-05, arts. I, II, 12-1-05; Ord. No. 0-3-06, arts. 1, 2, 4-6-06; Ord. No. 0-17-07, §§ 1, 2, 7-19-07; Ord. No. 0-22-08, art. 1, 8-7-08)

All such rates shall automatically increase 5% per year on August 1, 2019 and will end July 31, 2023.

ARTICLE II

Section 86-62 as amended by this Ordinance at Article I shall read as follows:

Sec. 86-62. Basic rates.

There is hereby adopted the following sewer and water rate schedules for the city:

(1) *Sewer rates.*

a. For all residential customers, whose service is provided by the city, the sewer rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons \$19.69 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional \$ 3.52 per 1,000 gallons used in excess of the initial 2,000 gallons.

b. Reserved.

c. For all commercial customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons \$34.51 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional \$3.52 per 1,000 gallons used in excess of the initial 2,000 gallons.

(2) *Water rates.*

a. For all residential customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons, \$17.52 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional \$3.51 per 1,000 gallons used in excess of the initial 2,000 gallons up to 10,000 gallons.
3. Monthly water usage in excess of 10,000 gallons shall be billed at 125 percent of the city's residential per gallon charge.
4. Monthly water usage in excess of 20,000 gallons shall be billed at 200 percent of the city's residential per gallon charge in order to encourage water conservation.

b. Reserved.

c. For all commercial customers, whose service is provided by the city, the water rate shall be:

1. Monthly water usage from zero gallons to 2,000 gallons, \$32.16 minimum; and
2. Monthly water usage in excess of 2,000 gallons, an additional \$ 3.51 per 1,000 gallons used in excess of the initial 2,000 gallons.

(3) *Minimum charge.* The minimum charge for water and/or sewer shall be based upon the number of existing residential or commercial units, which potentially may be served by each water meter. A minimum charge shall be charged for each apartment unit and each commercial, business or industrial unit being occupied by different occupants or being put to different uses, or for each unit separated from another unit by a firewall. The number of minimum charges billed per meter is subject to change as the configuration or use of a building or structure changes.

All such rates shall automatically increase 5% per year on August 1, 2019 and will end July 31, 2023

ARTICLE III

This Ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE IV

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE V

If any sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE VI

The additions made to City Code Section 86-62 of the Code of Ordinances of the City of Fayetteville by this ordinance shall not be construed or held to negate any offense committed against such Section 86-62 or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under Section 86-62, or in any way affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted Code Section ("New Section") takes effect, save only that proceedings thereafter shall conform to the New Section, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Section, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Section takes effect. This Savings Clause shall extend to all repeals, either by express words or implication.

ARTICLE VII

Article Two of this Ordinance shall remain codified at Chapter 86, of the City's Code of Ordinances.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this Day of ,20

Edward J. Johnson, Jr., Mayor

Attest:

Anne Barksdale, City Clerk

Richard J. Hoffman, Mayor Pro Tem

Kathaleen Brewer, Councilmember

Paul C. Oddo, Jr., Councilmember

Harlan Shirley, Councilmember

Scott Stacy, Councilmember